

### **REMARKS**

At the time the present Office Action was mailed (December 7, 2005), claims 1-38 were pending in the above-captioned application. In this response, claims 8 and 12 have been amended. Accordingly, claims 1-38 remain pending.

In the December 7, 2005 Office Action, all the claims were objected to or rejected. More specifically, the status of the application in light of the December 7 Office Action is as follows:

- (A) Claims 8 and 12 were objected to on the basis of informalities;
- (B) Claims 2, 3, 14, 19, 23, 25 and 27 stand rejected under 35 U.S.C. § 112, first paragraph; and
- (C) Claims 1-18 and 29-38 stand rejected under 35 U.S.C. § 112, second paragraph.

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on February 15, 2006, to discuss the Section 112 rejections of the pending claims. The following remarks summarize the telephone interview and constitute applicants' interview summary. During the telephone interview, the undersigned attorney drew the Examiner's attention to the specification of the present application at page 9, which provides enabling support for a variety of conditions that an aircraft may meet prior to implementation of an instruction or portion of an instruction (see page 9, paragraph 27 of the present application). The undersigned attorney also identified to the Examiner support in the specification for providing an annunciation to the aircraft operator prior to the aircraft meeting a target condition (page 9, paragraph 27) and/or after the condition has been met (page 9, paragraph 28). The Examiner indicated at the conclusion of the telephone interview that he would likely withdraw the outstanding claim rejections made under Section 112.

A. Response to the Objections to Claims 8 and 12

Claims 8 and 12 were objected to on the basis of informalities, and have been amended in the manner suggested by the Examiner to overcome the objections, without narrowing the scopes of these claims. Accordingly, the objections to claims 8 and 12 should be withdrawn.

B. Response to the Section 112, First Paragraph Rejections

Claims 2, 3, 14, 19, 23, 25 and 27 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the enablement requirement. In particular, the Office Action states that the limitations "before the condition is met, after the condition is met, or both before and after the condition is met" require undue experimentation and a person skilled in the art would not know how to make and/or use the invention since the condition is not specific. As discussed above, the specification of the present application provides several non-limiting examples of conditions that may be met. The specification also describes the difference between a conditional instruction and a nonconditional instruction (see specification at page 1, paragraph 2). The specification, as also noted above, describes instances in which an annunciation or indication may be provided to the operator before and/or after the condition is met. Accordingly, the Section 112, first paragraph rejection of the above-identified claims should be withdrawn.

C. Response to the Section 112, Second Paragraph Rejections

Claims 1, 18 and 29-38 were rejected under 35 U.S.C. § 112, second paragraph because the phrase "once a condition is met" is allegedly vague and indefinite. As discussed during the above-identified telephone interview with the Examiner, the specification provides non-limiting examples of conditions that fall within the scope of the term as used in the claims. Accordingly, the term "condition" is neither vague nor indefinite as used in the specification and the claims. Therefore, the Section 112, second paragraph rejections of the above-identified claims should be withdrawn.

D. Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the cited art. The applicant accordingly requests reconsideration of the application and a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3257.

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Respectfully submitted,

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